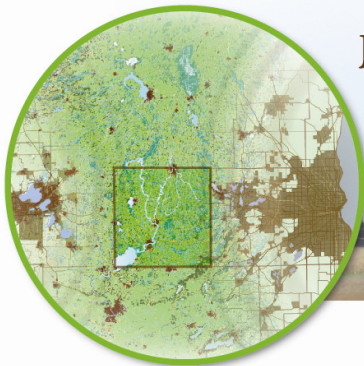


Town Quadrant Meetings: Reviewing Program Scenarios July 2010



**Jefferson County
Farmland Preservation Plan**



Presentation Overview

- Welcome
- Project Purpose and Goals
- Process Overview
- Key Policy Decisions
- Program Scenarios
- Next Steps
- Initial Feedback/Input



Project Purpose and Goals

- Likely adapt Jefferson County's farmland preservation program to meet new State law, to maintain eligibility for tax credit and PACE funds
- Keep as much of the County's current program as practical
- Consider policy refinements in response to emerging issues (e.g., local comprehensive plans)
- Get an updated, State-certified farmland preservation plan and ordinance by the end of 2011



Key Features of Working Lands

- Agricultural Enterprise Area (AEA) Program
 - Priority areas for continuation of agricultural use
 - Provides opportunity to increase tax credit
- Purchase of Agricultural Conservation Easement (PACE) Program
 - Encourages/supports voluntary local PACE programs
 - Provides up to \$12 million in state grants/year
- Farmland Preservation Planning/Zoning Program
 - Encourages conditional use permits for rural housing
 - Requires a per acre conversion fee for rezonings



Summary of New Tax Credits

- Farm qualifications and requirements
 - Conservation plan (contact Jefferson County Land & Water Conservation Department for details)
 - Nutrient management plan (contact a crop consultant for details)
 - \$6,000 of gross farm revenue in the past year or \$18,000 gross farm revenue over past three years
 - Land must be “primarily” (51%+) devoted to agricultural use
- Benefits
 - \$7.50 per acre tax credit (\$10 within Agricultural Enterprise Areas)
 - No cap on the amount of credit that an individual can claim
 - \$27 million statewide available annually
- Costs
 - Plan preparation/update costs (cost sharing available)
 - Plan implementation costs



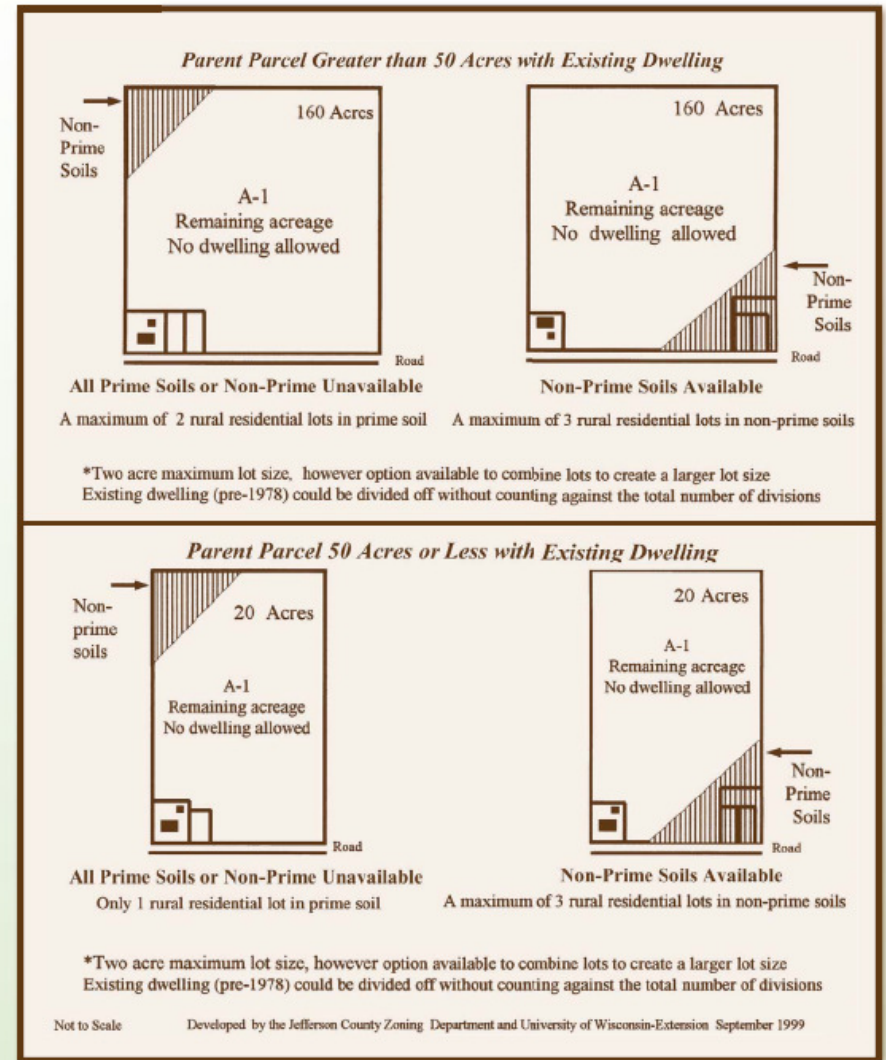
Current Jefferson County Program



Current Farmland Preservation Planning & Zoning Approach

DRAFT

- A vast majority of land under County zoning jurisdiction is zoned A-1 Exclusive Agriculture
- No new homes allowed in the A-1 district, except for replacements of existing homes
- For new homes to be built, new lots must be created and rezoned from A-1 to the A-3 Rural Residential District
- Key definitions to understand rezoning/land division policies:
 - Parent parcel—all contiguous A-1 zoned property under the same ownership
 - Prime agricultural land—all Class 1 and Class 2 soils, plus Class 3 soils with Class 1 or 2 characteristics
 - Existing home—a pre-1978 house on parent parcel, which can be divided without counting against totals
- Over non-prime agricultural land, no more than 3 residential lots may be divided from the parent parcel
- Over prime agricultural land, no more than 1 or 2 residential lots may be divided, depending on parent parcel size (see graphic)
- Maximum new residential lot size is 2 acres, with possible lot combinations for larger lots on non-prime agricultural lands (e.g., one 6-acre lot instead of three 2-acre lots)
- Recommended clustering and no further division of lots
- Remaining A-1 acreage restricted against any further development
- No greater than 1 house per 10 acres if within environmental corridor
- Opportunities for higher densities in limited areas so designated in town and county comprehensive plans



Process Overview

- Summer 2010:
 - Town Quadrant & stakeholder meetings to review program scenarios
 - Steering Committee meeting #2
- Fall 2010:
 - Arrive at preferred program scenario
 - Prepare first draft of Farmland Preservation Plan and map
- 2011:
 - Discuss of draft Plan in different forums
 - Prepare revised zoning ordinance text and map
 - County and State approval of Plan and ordinance



Key Policy Decisions

- Conditional use versus rezoning
- How to handle houses on smaller parcels
- How to approach pre-existing houses
- Changes to zoning map to address growth areas
- Key decisions embodied in different “Program Scenarios”



Program Scenarios: Purpose

- Address different policy options using “language” of County’s current program
- All attempt to achieve the “Project Purpose and Goals” (more or less)
- All retain a focus on farmland preservation as a core principle
- Preferred scenario would need further detailing in updated plan and ordinance



Program Scenarios: Summarized

- **A:** Maintain Same Jefferson County Farmland Preservation Program (do not participate in State's Working Lands Program)
- **B:** Use Rezoning as Main Approach for Limited Housing, but Updated Program to Meet State's Working Lands Law
- **C:** Use Conditional Use Permit as Main Approach for Limited Housing as Allowed by State's Working Lands Law
- **D:** Adopt the State's Model CUP Approach Under the Working Lands Law with Minor Adjustments



A

PROGRAM SCENARIO A ~

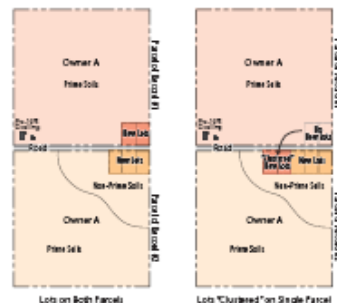
MAINTAIN SAME JEFFERSON COUNTY
FARMLAND PRESERVATION PROGRAM
(DO NOT PARTICIPATE IN STATE'S WORKING LANDS PROGRAM)



New Development and Land Configuration

- New homes require rezoning from A-1 to A-3, except for replacement homes, rezoning conversion fee not required.
- Each A-1 parcel of record allowed at least one A-3 lot, regardless of size.
- 35 acre minimum agricultural lot size.
- 1 acre minimum residential lot size.
- 2 acre maximum residential lot size (except larger lots allowed with use of more splits).
- Clustering of new residential lots recommended.
- Allow some agricultural-related business uses in the A-1 district, with a broader array of such uses in the A-2 district.

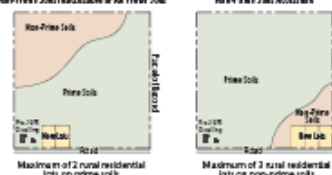
Siting Approach for Parcels in Same Ownership Divided by Road



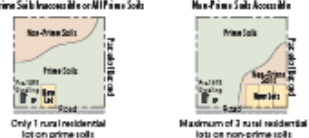
- Parcels under common ownership divided only by a road are treated as separate parcels for the purpose of determining the number of allowable A-3 lots (see upper right box).
- Total number of allowable lots may be shifted between the 2 parcels of record, with County and Town approval.

Approach for Allowing New Housing

Parcel of Record Greater than 50 Acres with Existing Dwelling
Non-Prime Soils Allowable on All Prime Soils



Parcel of Record Less than 50 Acres with Existing Dwelling
Non-Prime Soils Allowable on All Prime Soils



- From each "parcel of record" as it existed on February 8, 2000, no more than 3 new residences may be built on non-prime soils, and no more than 2 new residences on prime soils (on parcels 50 acres or less, no more than 1 on prime soils), subtracting any previous splits from the "parent parcel" as it existed on December 13, 1977.

Approach to Older Houses via Farm Consolidation



- Allow land divisions of 1-5 acres for residences built before January 15, 1975 in A-1 without rezoning. Does not count against maximum number of homes in box above.

Agricultural Land Preservation

- Prime farmland soils defined as all NRCS Class 1 and Class 2 soils, plus Class 3 soils with Class 1 or 2 characteristics.
- Limited use of Purchase of Conservation Easements (PACE) program, because State matching grants not available.
- Agricultural Enterprise Areas (AEA) no longer possible because County no longer in State program.
- Maintain County GIS system to track remaining splits; may require recorded affidavit to track "frozen" parent parcels (i.e., once all splits are used).

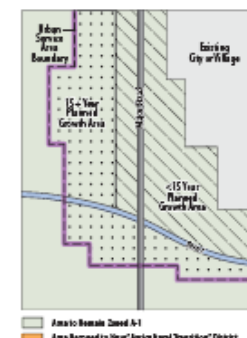
Natural Resource Preservation

- Allow no more than one home per 10 acres allowed within mapped environmental corridor.
- Continue Natural Resource zoning district for open space uses; rezoning conversion fee not required for rezoning from A-1 to Natural Resource district.
- Conservation Plans no longer required because County no longer in State program.

Urban and Rural Growth Areas

- A-1 zoning district continues to be mapped as "default" choice throughout most of unincorporated area.
- Lands continue to be zoned A-1 within planned Urban Service Areas around cities and villages.
- Option for expanding pre-existing rural hamlets based on Town and County approved hamlet expansion plan, but most approved hamlet expansion areas still zoned A-1 prior to development.

Approach to Urban Service Areas



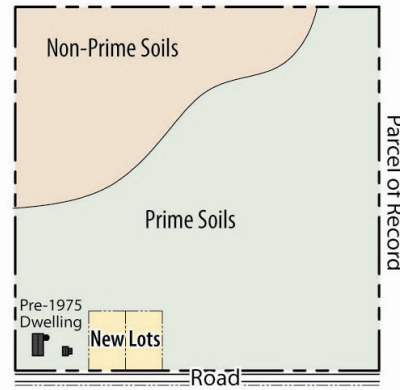
Scenario A: Maintain Same Program

New housing
would be allowed
by rezoning
exactly like it is
today, but with no
conversion fee



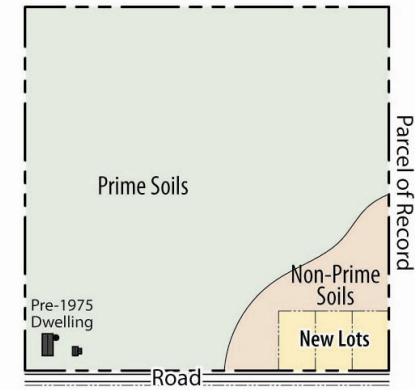
Parcel of Record Greater than 50 Acres with Existing Dwelling

Non-Prime Soils Inaccessible or All Prime Soils



Maximum of 2 rural residential
lots on prime soils

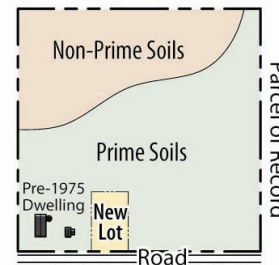
Non-Prime Soils Accessible



Maximum of 3 rural residential
lots on non-prime soils

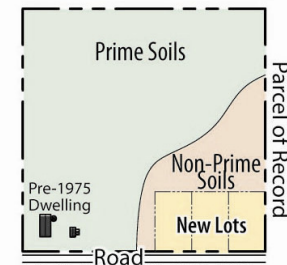
Parcel of Record Less than 50 Acres with Existing Dwelling

Non-Prime Soils Inaccessible or All Prime Soils



Only 1 rural residential
lot on prime soils

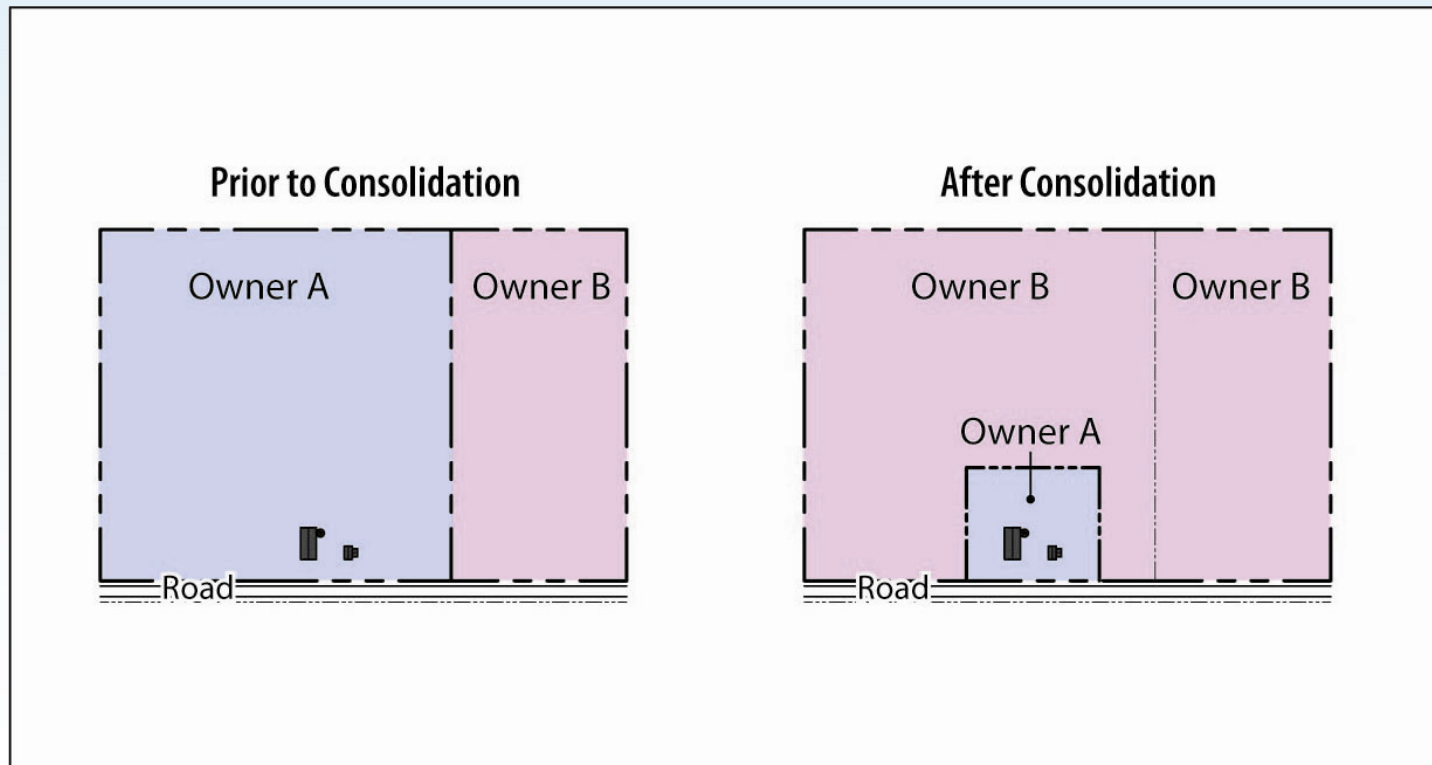
Non-Prime Soils Accessible



Maximum of 3 rural residential
lots on non-prime soils

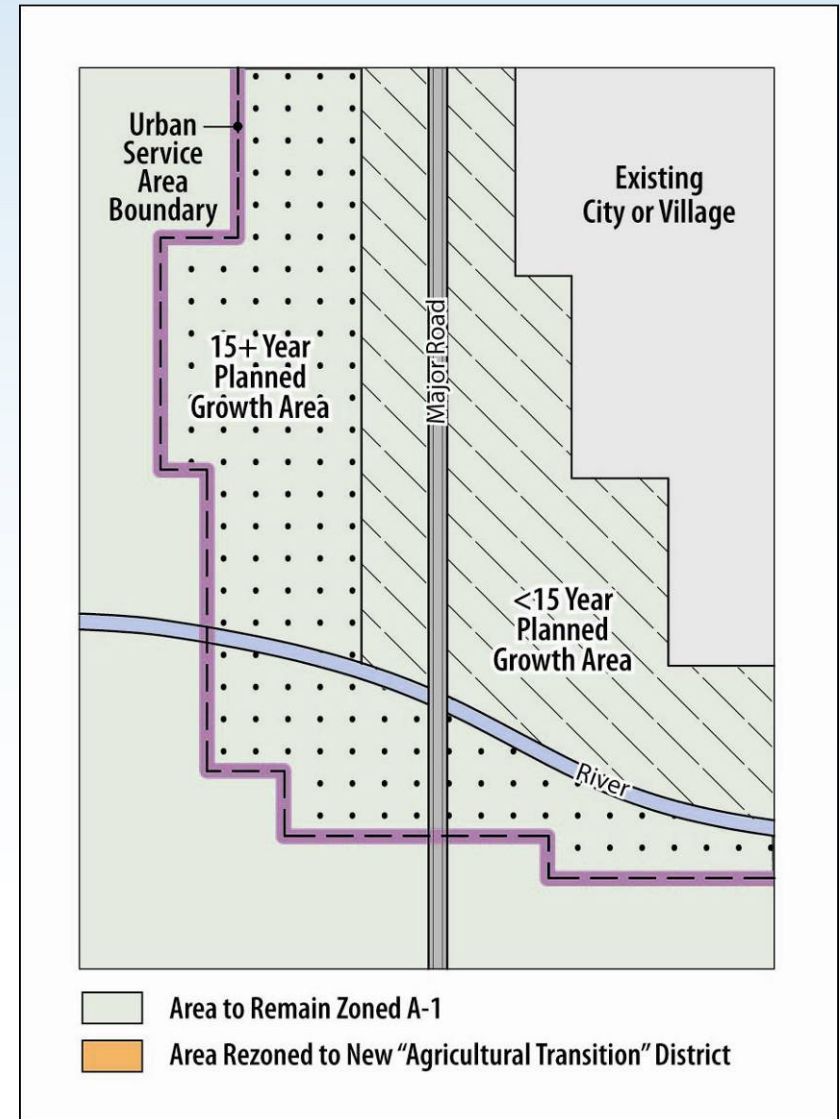
Scenario A: Maintain Same Program

“Farm Consolidation” lots allowed without rezoning



Scenario A: Maintain Same Program

Most lands in urban service areas and rural hamlet growth areas could remain zoned A-1



Scenario A: Maintain Same Program

BUT:

Tax credits, State PACE grants, and new
Ag Enterprise Areas would end in
Jefferson County



B PROGRAM SCENARIO B ~

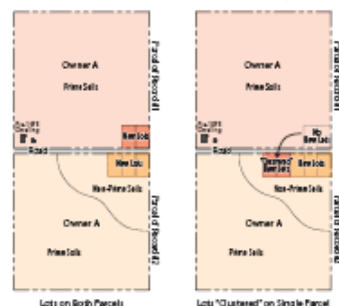
USE REZONING AS MAIN APPROACH FOR LIMITED HOUSING, BUT UPDATE PROGRAM TO MEET STATE'S WORKING LANDS LAW



New Development and Land Configuration

- New homes require rezoning from A-1 to A-3 and payment of conversion fee.
- Each A-1 parcel of record is allowed at least one A-3 lot, regardless of size.
- 35 acre minimum agricultural lot size.
- 1 acre minimum residential lot size.
- 2 acre maximum residential lot size (except larger lots allowed with use of more splits).
- Clustering of new residential lots recommended.
- Modify list of agricultural-related business uses in A-2 district to enable certification as a farmland preservation zoning district, thereby eliminating conversion fee for A-1 rezones to A-2 district.

Siting Approach for Parcels in Same Ownership Divided by Road



- Parcels under common ownership divided only by a road are treated as separate parcels for the purpose of determining the number of allowable A-3 lots.
- Total number of allowable lots may be shifted between the 2 parcels of record, with County and Town approval.

Approach for Allowing New Housing

Parcel of Record Greater than 50 Acres with Existing Dwelling



Maximum of 2 rural residential lots on prime soils

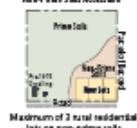


Maximum of 3 rural residential lots on non-prime soils

Parcel of Record Less than 50 Acres with Existing Dwelling



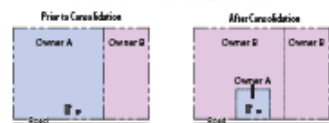
Only 1 rural residential lot on prime soils



Maximum of 3 rural residential lots on non-prime soils

- From each "parcel of record" as it existed on February 8, 2000, no more than 3 new residences may be built on non-prime soils, and no more than 2 new residences on prime soils (on parcels 50 acres or less, no more than 1 on prime soils), subtracting any previous splits from the "parent parcel" as it existed on December 13, 1977.

Approach to Older Houses via Farm Consolidation



- Zone prior farm consolidation lots A-3 to avoid making houses non-conforming (with no conversion fee).
- Allow 1-5 acre land divisions for residences built before January 15, 1975, either by requiring a rezoning to A-3 and payment of conversion fee OR change in status of residence to a non-conforming use if State standards can be met (e.g., 1:20 ratio of house lot acreage to remaining farm acreage). Does not count against maximums.

Agricultural Land Preservation

- Prime farmland soils defined as all NRCS Class 1 and Class 2 soils, plus Class 3 soils with Class 1 or 2 characteristics.
- Active Purchase of Conservation Easements (PACE) program with help from State matching grants.
- Support future Agricultural Enterprise Areas (AEA) applications based on criteria included in new Farmland Preservation Plan.
- Maintain County GIS tracking system with slight modifications to meet State reporting requirements; may require recorded affidavit to track "frozen" parent parcels.

Natural Resource Preservation

- Allow no more than one home per 10 acres within mapped environmental corridor.
- Modify Natural Resource zoning district to be certified as a farmland preservation zoning district, thereby eliminating conversion fee for A-1 rezones to NR district.
- Nutrient management plans (in addition to conservation plans) required for farmers who obtain State tax credit.

Urban and Rural Growth Areas

- Initially keep as much land in A-1 zoning as possible based on statutory guidance, requiring rezonings only when development proposed.
- Classify lands within Urban Service Areas in A-1 district into either <15 year growth areas or 15+ year growth areas, and rezone <15 year areas away from A-1. Create new "agricultural transition" zoning district with similar rules but no tax credit eligibility for <15 year growth areas.
- For rural hamlets where there is a Town and County approved hamlet expansion plan, rezone <15 year planned expansion areas to a "agricultural transition" district without tax credit eligibility.

Approach to Urban Service Areas



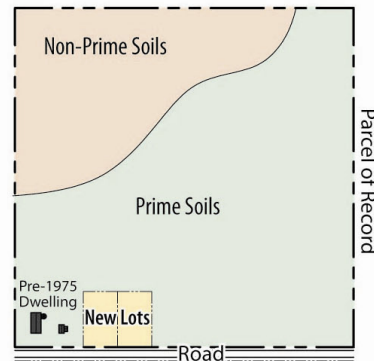
Scenario B: Rezoning under Working Lands

New housing
would be allowed
by rezoning like it
is today, with
conversion fee
required



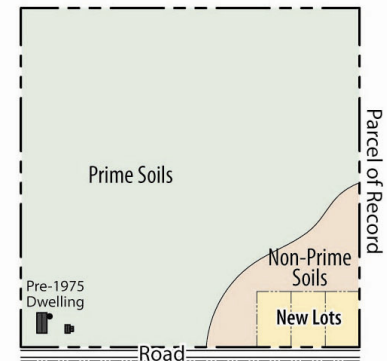
Parcel of Record Greater than 50 Acres with Existing Dwelling

Non-Prime Soils Inaccessible or All Prime Soils



Maximum of 2 rural residential
lots on prime soils

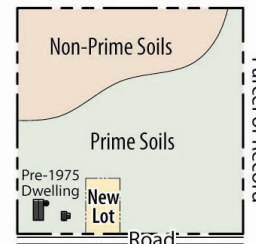
Non-Prime Soils Accessible



Maximum of 3 rural residential
lots on non-prime soils

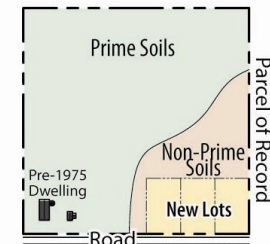
Parcel of Record Less than 50 Acres with Existing Dwelling

Non-Prime Soils Inaccessible or All Prime Soils



Only 1 rural residential
lot on prime soils

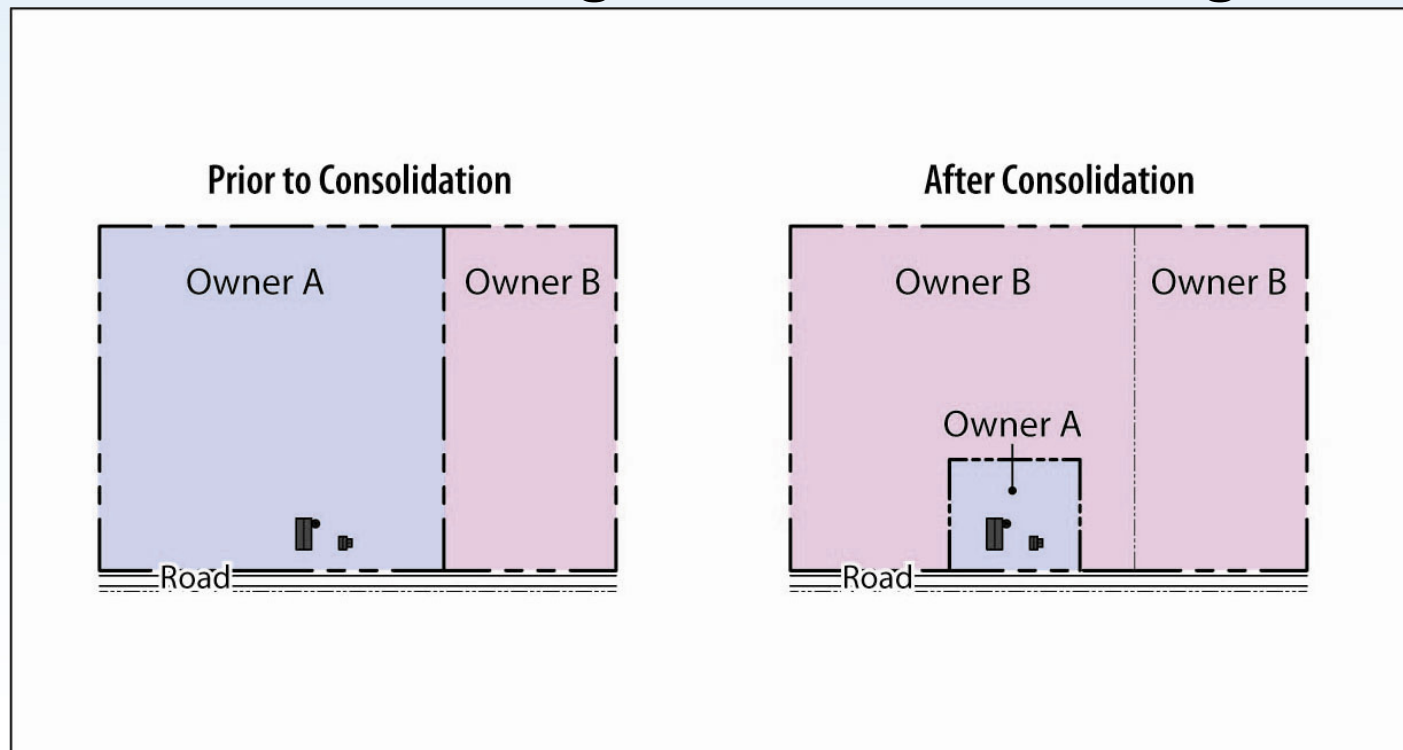
Non-Prime Soils Accessible



Maximum of 3 rural residential
lots on non-prime soils

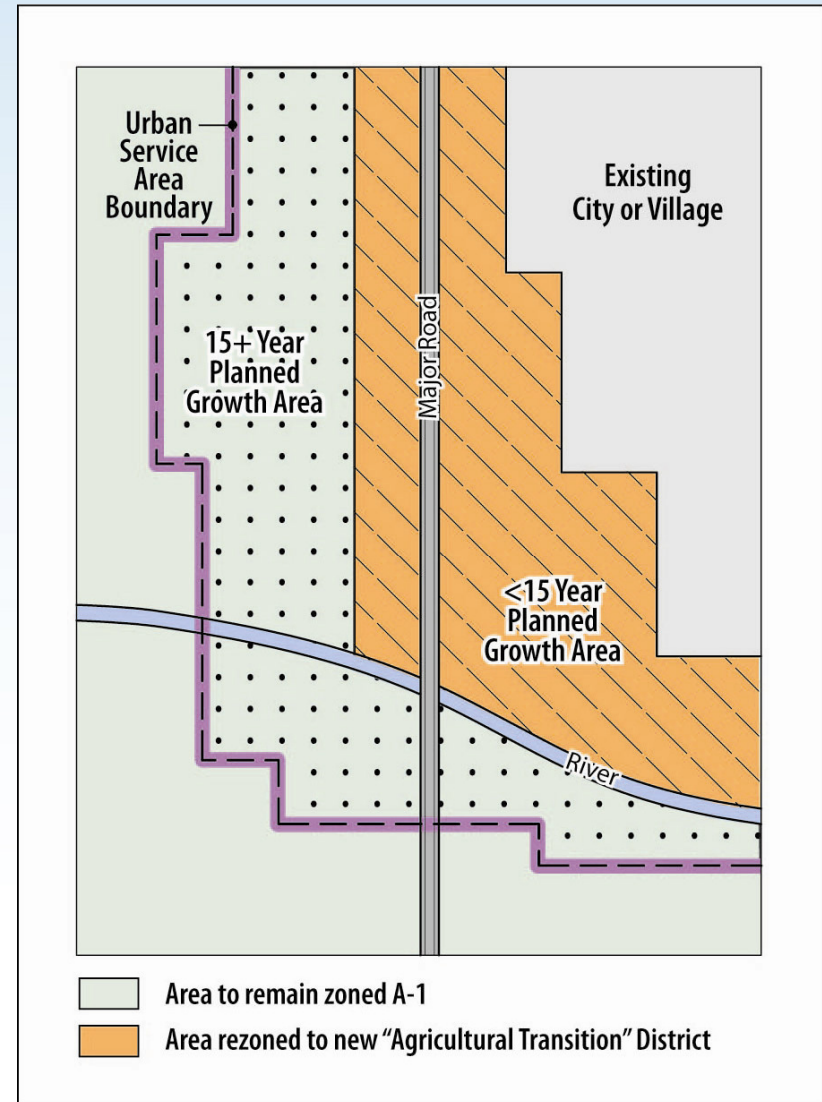
Scenario B: Rezoning under Working Lands

“Farm Consolidation” lots with via A-3 rezoning and conversion fee to change to non-conforming use in A-1



Scenario B: Rezoning under Working Lands

Areas within “<15
year planned
growth areas” can
no longer be zoned
A-1



C

PROGRAM SCENARIO C ~

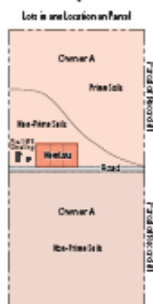
USE CONDITIONAL USE PERMITS AS MAIN APPROACH FOR LIMITED HOUSING, AS ALLOWED BY STATE'S WORKING LANDS LAW



New Development and Land Configuration

- Allow new homes by conditional use permit (CUP) in a revised A-1 district, meeting all Working Lands criteria associated with using CUP (see right).
- 35 acre minimum agricultural lot size.
- $\frac{3}{4}$ acre minimum residential lot size, in light of 1:20 ratio (see box to right).
- 2 acre maximum residential lot size, plus ratio of total acreage in nonfarm residential use to remaining farm acreage on February 8, 2000 parcel of record may not exceed 1:20 ratio.
- Clustering of new residential lots recommended.
- Expand range of agricultural-related business uses allowed by conditional use permit in A-1 district; discontinue new rezonings to A-2 district.

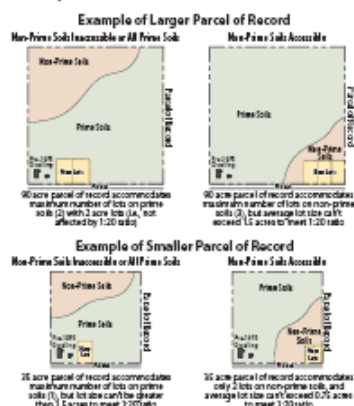
Siting Approach for Parcels in Same Ownership Divided by Road



- Parcels under common ownership divided only by a road are treated as ONE parcel of record for the purpose of determining number of allowable residential lots (see upper right box).
- Change "parcel of record" definition to State's "base farm tract" definition, allowing total of 3 non-prime lots.

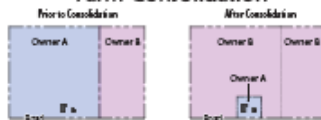
Approach for Allowing New Housing

- Allow no more than 3 new lots per each February 8, 2000 parcel of record (2 on prime soils), regardless of size of 2000 parcel of record, subtracting any previous splits divided from the 1977 parent parcel. Number of new lots may be further limited by combination of State's 1:20 ratio and County's minimum lot size.



- Rezone parcels less than 20± acres to another district to allow one new residence, because would not otherwise be allowed by 1:20 CUP ratio.

Approach to Older Houses via Farm Consolidation



- Allow land divisions of 1-5 acres for residences built before January 15, 1975 in A-1 without rezoning. Does not count against maximum number of homes in box above.

Agricultural Land Preservation

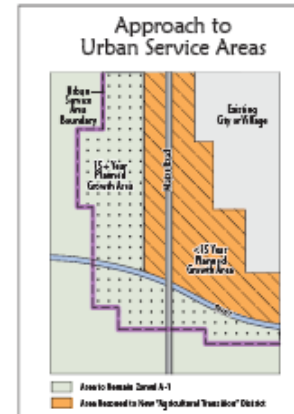
- Prime farmland soils defined as all NRCS Class 1 and Class 2 soils, plus Class 3 soils with Class 1 or 2 characteristics.
- Active Purchase of Conservation Easements (PACE) program with help from State matching grants.
- Support future Agricultural Enterprise Areas (AEA) applications based on criteria included in new Farmland Preservation Plan.
- Maintain County GIS tracking system with significant modifications to meet State reporting requirements; may require recorded affidavit to track frozen parent parcels.

Natural Resource Preservation

- No residential density standard in environmental corridors given rough substitute of 1:20 ratio requirement.
- Recraft Natural Resources zoning district as a non-certified overlay zoning district, allowing some normal A-1 uses to be restricted without rezoning the underlying parcel from A-1.
- Nutrient management plans (in addition to conservation plans) required for farmers who obtain State tax credit.

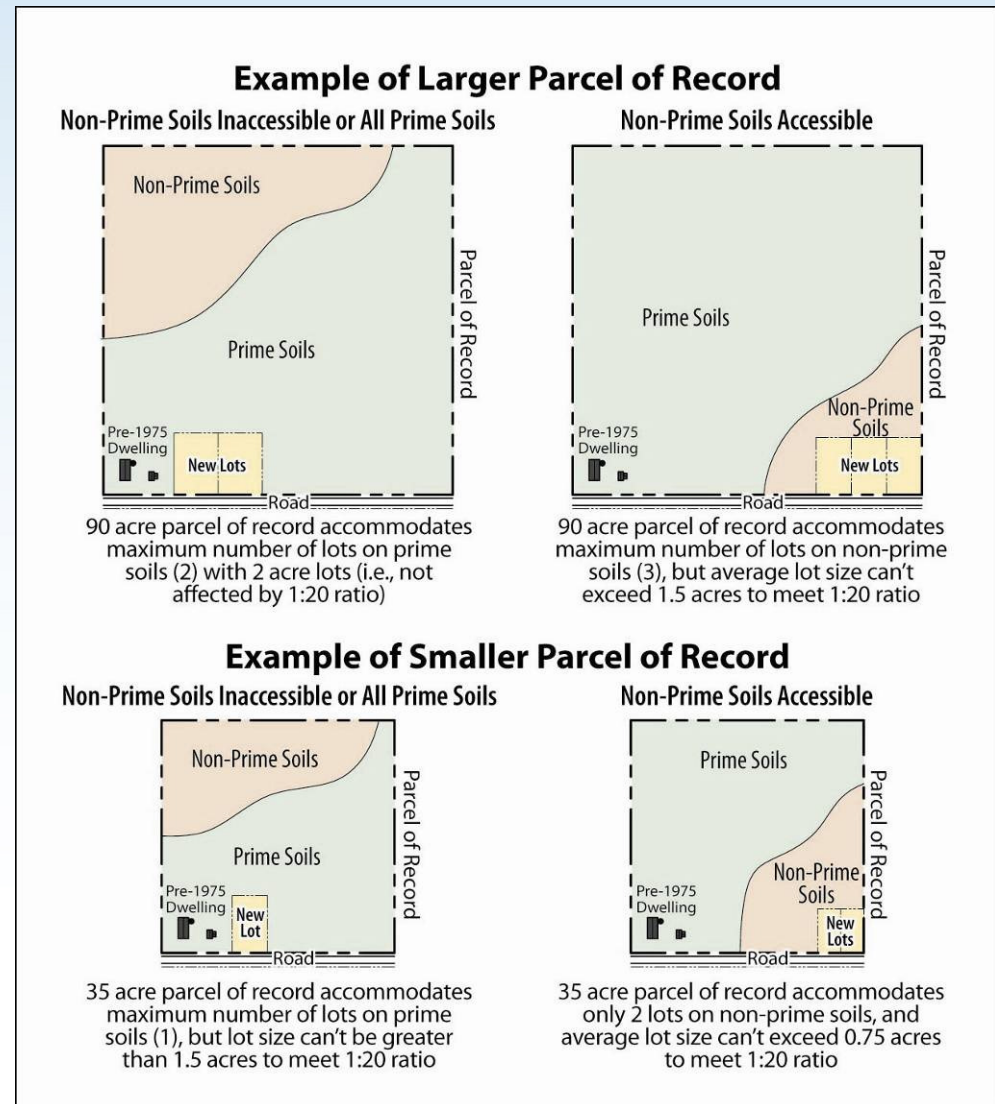
Urban and Rural Growth Areas

- Classify lands within Urban Service Areas in A-1 district into either <15 year growth areas or 15+ year growth areas, and rezone <15 year areas away from A-1. Create new "agricultural transition" zoning district with similar rules but no tax credit eligibility for <15 year growth areas.
- For rural hamlets where there is a Town and County approved hamlet expansion plan, rezone <15 year planned expansion areas to a "transition" district without tax credit eligibility.



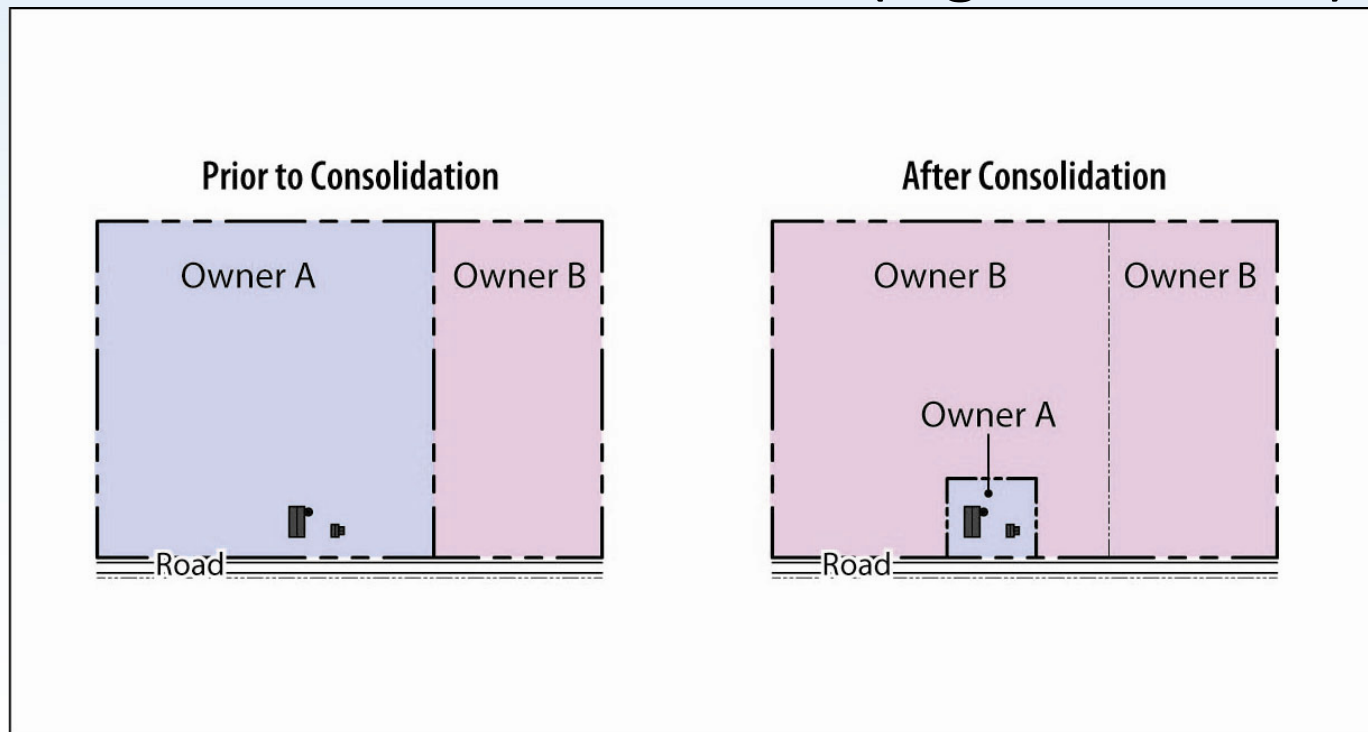
Scenario C: CUP Under Working Lands

Approximate
current program
for new homes,
but with CUP and
associated
Working Lands
limits (“1:20
ratio”)



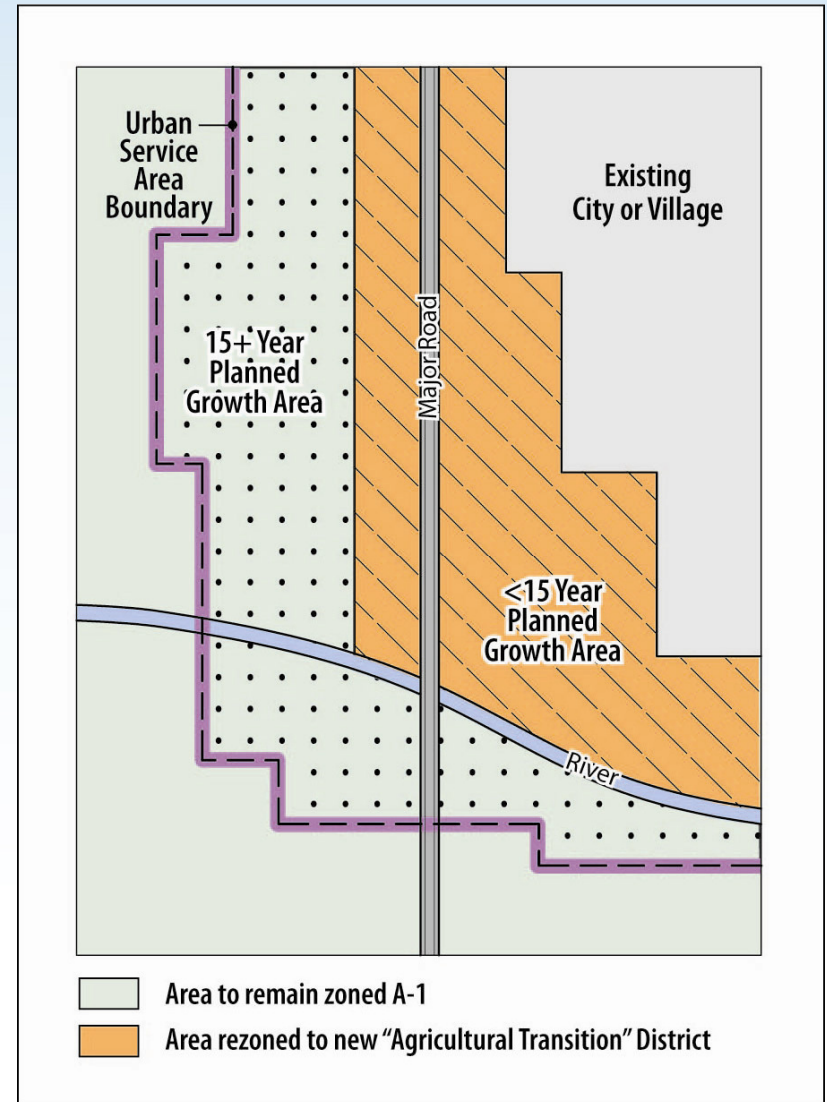
Scenario C: CUP Under Working Lands

“Farm Consolidation” lots allowed without rezoning, but must meet CUP standards (e.g., 1:20 ratio)



Scenario C: CUP Under Working Lands

Areas within “<15
year planned
growth areas” can
no longer be zoned
A-1



PROGRAM SCENARIO D ~

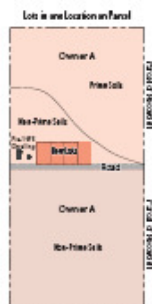
ADOPT THE STATE'S MODEL CUP APPROACH
UNDER THE WORKING LANDS LAW
WITH MINIMAL ADJUSTMENTS



New Development and Land Configuration

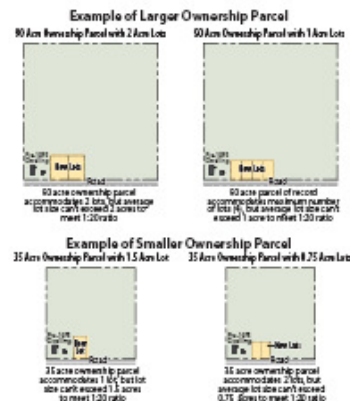
- Allow new homes by conditional use permit (CUP) in a revised A-1 district, meeting all Working Lands criteria.
- No minimum agricultural lot size.
- Total acreage in nonfarm residential use to remaining farm acreage on parent parcel as currently configured may not exceed a ratio of 1:20.
- No minimum or maximum residential lot size.
- Clustering of new residential lots permitted.
- Expand the range of agricultural-related business uses allowed by conditional use permit in A-1 district.

Siting Approach for Parcels in Same Ownership Divided by Road



- Parcels under common ownership divided only by a road are treated as ONE parcel of record for the purpose of determining number of allowable residential lots.
- Change "parcel of record" definition to State's "base farm tract" definition, allowing a total of four nonfarm residences on this single parcel of record, with County and Town approval.

Approach for Allowing New Housing



- From each contiguous ownership parcels as they existed on the date of DATCP certification of the new zoning ordinance, allow no more than 4 nonfarm residences and no more than 5 farm and nonfarm residences combined.
- Parcels under 20 acres no longer allowed housing under 1:20 ratio.

Approach to Older Houses via Farm Consolidation



- Allow land divisions of 1-5 acres for residences built before January 15, 1975 in A-1 without rezoning. Does not count against maximum number of homes in box above.

Agricultural Land Preservation

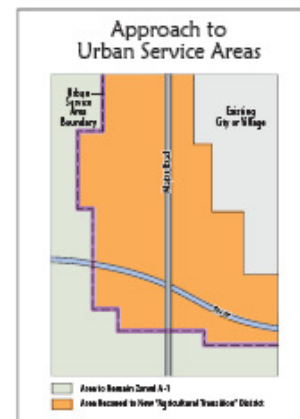
- Prime farmland redefined as all NRCS Class 1 and Class 2 soils.
- Active Purchase of Conservation Easements (PACE) program with help from State matching grants.
- Support future Agricultural Enterprise Areas (AEA) applications.
- Maintain County GIS tracking system with significant modifications to meet State reporting requirements; may require recorded affidavit to track frozen parent parcels.

Natural Resource Preservation

- No residential density standard in environmental corridors given rough substitute of 1:20 ratio requirement.
- Leave Natural Resources zoning district "as-is," which would require conversion fees for A-1 rezones to NR district.
- Nutrient management plans (in addition to conservation plans) required for farmers who obtain State tax credit.

Urban and Rural Growth Areas

- Lands within Urban Service Areas and approved rural hamlet expansion areas would be rezoned away from A-1 district to some other district that doesn't allow tax credits because A-1 district can't be used in planned growth areas.



Scenario D: Adopt Working Lands Model

Allow up to 5 new homes on current parcels, with CUP and associated Working Lands limits (“1:20 ratio”)

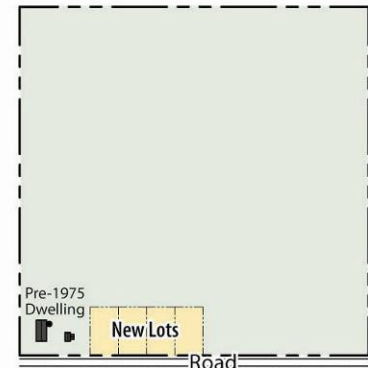
Example of Larger Ownership Parcel

90 Acre Ownership Parcel with 2 Acre Lots



90 acre ownership parcel accommodates 2 lots, but average lot size can't exceed 2 acres to meet 1:20 ratio

90 Acre Ownership Parcel with 1 Acre Lots



90 acre parcel of record accommodates maximum number of lots (4), but average lot size can't exceed 1 acre to meet 1:20 ratio

Example of Smaller Ownership Parcel

35 Acre Ownership Parcel with 1.5 Acre Lot



35 acre ownership parcel accommodates 1 lot, but lot size can't exceed 1.5 acres to meet 1:20 ratio

35 Acre Ownership Parcel with 0.75 Acre Lots

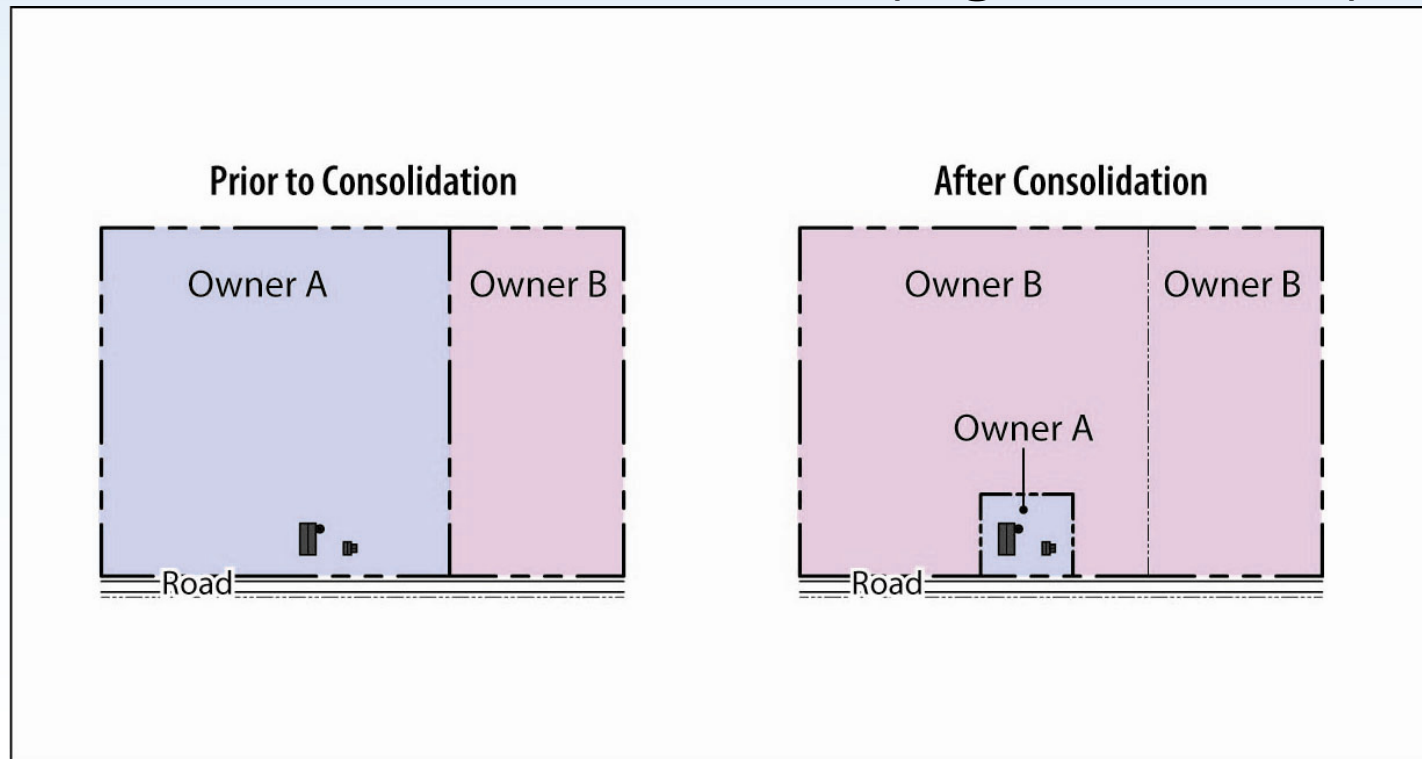


35 acre ownership parcel accommodates 2 lots, but average lot size can't exceed 0.75 acres to meet 1:20 ratio



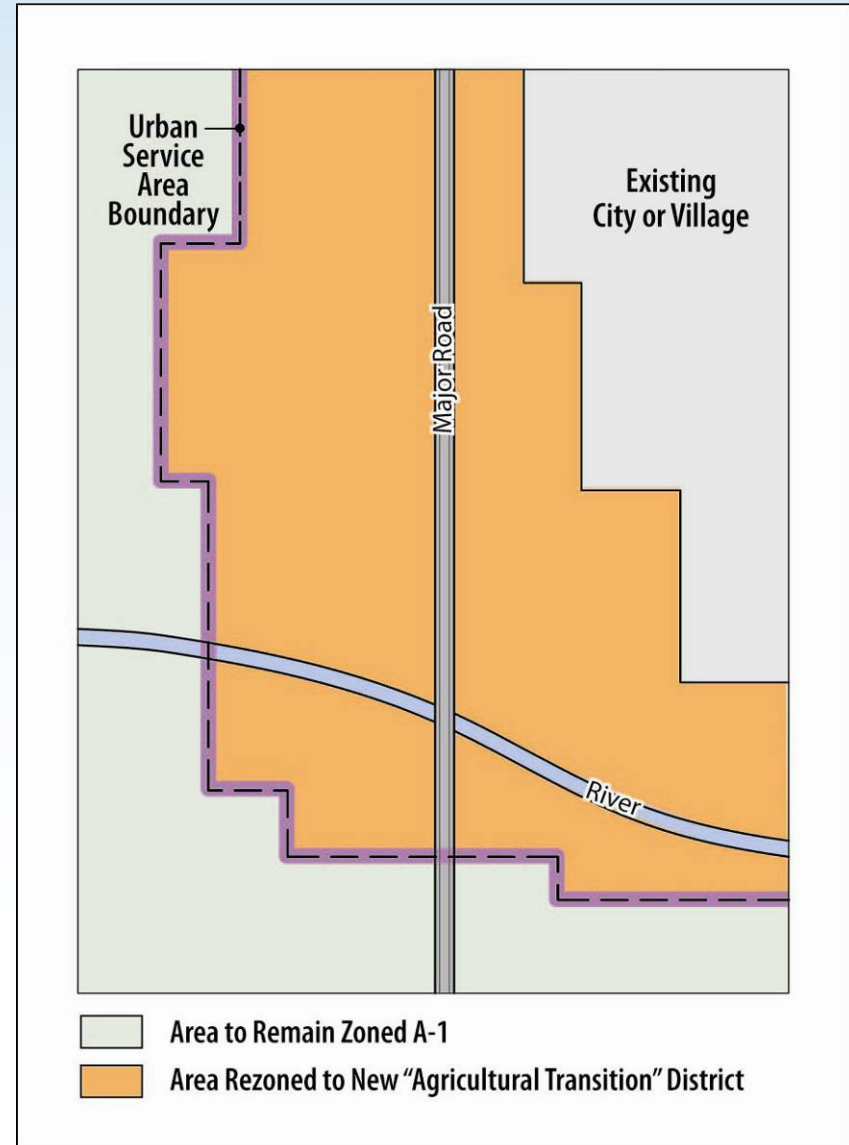
Scenario D: Adopt Working Lands Model

Farm Consolidation” lots allowed without rezoning, but must meet CUP standards (e.g., 1:20 ratio)



Scenario D: Adopt Working Lands Model

Areas within “<15
year planned
growth areas” can
no longer be zoned
A-1; assume all
lands in urban
service areas in this
class



Impacts of Different Scenarios

- Impact Categories
 - General issues
 - Rural housing approach
 - Land preservation issues
- Modeling the impacts



Impacts: General Issues

- **A:** maintains the current program, but loses tax credit and PACE grant eligibility
- **B:** Similar to current and maintains tax credit/PACE eligibility, but includes rezoning conversion fee
- **C:** Different approach to housing, with town role more advisory, but no conversion fee
- **D:** “Simple”, but most change from current



Impacts: Rural Housing and Preservation

- **C and D:** allow fewer splits of smaller parcels because of State's CUP criteria
- **A, C, and D:** no conversion fees result in decreased rural development costs
- **C:** lowest amount of land for housing because of State's CUP criteria and 2 acre max. lot size
- **D:** lowest amount of land zoned A-1 (e.g., all A-1 lands within USAs and < 20 acre parcels)
- **B, C, and D:** potential to increase total amount of tax credits



Impacts: Results of Modeling

- **A and B:** housing quantities and land acreage used most similar to current program
- **C:** lowest number rural housing units and acres used for rural housing
- **D:** highest number of rural homes, particularly in areas where past splits have been used because areas would be “replenished”
- Note that results of models are approximate



Next Steps

- Remaining Quadrant & Stakeholder Meetings
- Towns asked to provide input program scenarios in writing by August 20th and/or at Committee's September 2nd meeting
- Committee provides guidance on preferred program scenario
- Consultant prepares first draft of updated farmland preservation plan

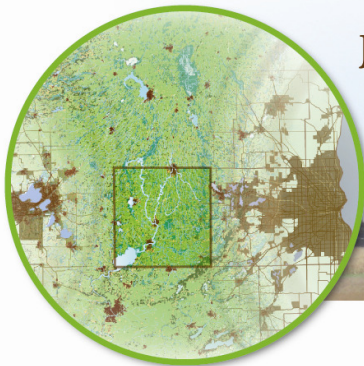


Initial Feedback

- What are your questions or concerns on the different program scenarios?
- Which of the farmland preservation program scenarios do you initially prefer? Why?
- What, if any, adjustments to your initially preferred scenario ought to be considered?
- What additional details should be in the updated farmland preservation program?
- What, if any, additional information do you need?



Thank You for Participating!



**Jefferson County
Farmland Preservation Plan**

